CJC: KG 82022-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 1 2 2002 In re Application of Nicholas P. MARCHESANI Serial No. 09/168,072 Examiner: W. Pierce Filed: October 8, 1998 Group Art Unit: 3711 For: LOW/MAX CARD GAME METHOD AND APPARATUS

RESPONSE TO NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Responsive to the Notice of Improper Request for Continued Examination (RCE) mailed July 29, 2002 (a copy of which is attached), Applicant is herewith submitting a copy of the previously filed amendment. Applicant requested in the Continued Prosecution Application (CPA) Request filed April 30, 2002 that the unentered amendment previously filed on September 10, 2001 under 37 CFR § 1.116 in the prior nonprovisional application be entered.

555 THIRTEENTH STREET

HOGAN & HARTSON

Should there be any questions relating to this transmittal, please telephone Kevin Shaw at (202)

Respectfully submitted,

By:

Celine Jimenez Crowson Registration No. 40,357

Kevin G. Shaw

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Dated: September 9, 2002

637-6466.

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United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR _	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/168,072	10/08/1998	NICK MARCHESANI	2413-101A	2085
24633	7590 07/29/2002		82022-0101	•

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HOGAN & HARTSON L.L.P.

AUG 0 1 2002

IP DOCKETING DEPT.

EXAMINER

PIERCE, WILLIAM M

ART UNIT PAPER NUMBER

FECEIVED

TECHNOLOGY CENTER R3700

3711

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

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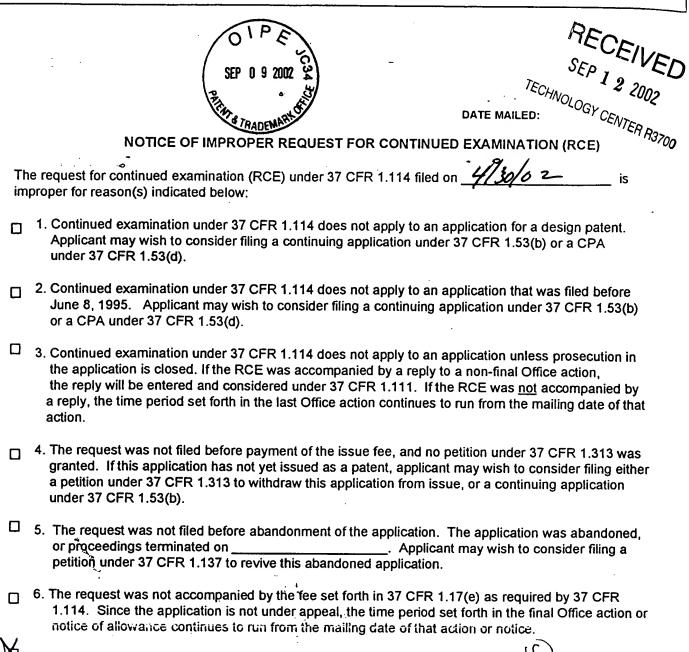
gton, D.C. 20231 www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY, DOCKET NO, TITLE



7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

7a. Submission No.2 on Paper #19 is unnecessary. Paper No.17 does what No.2 intended too Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

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<u> </u>	77070	, Examining Group <u>371)</u>